

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR331
)	
v.)	
)	
MAURICE BUCKLEY,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's application to proceed without prepayment of fees and affidavit (Filing No. 78). The Court finds said motion should be granted. Also pending is a request for appointment of substitute counsel filed by defendant's trial counsel (Filing No. 79). The Court finds said motion should be referred to the United States Court of Appeals for the Eighth Circuit. Accordingly,

IT IS ORDERED:

1) Defendant's application to proceed without prepayment of fees is granted; defendant may proceed on appeal *in forma pauperis*.

2) The request for appointment of substitute counsel is referred to the United States Court of Appeals for the Eighth Circuit.

DATED this 12th day of December, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court